IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4462 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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JIVUBEN KUKABHAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 4462 of 1992

MR SANDIP C SHAH for Petitioner No. 1

MR BY MANKAD, AGP, for Respondent No. 1-3

MR DD VYAS for Respondent No. 4

CORAM : MR.JUSTICE K.A.PUJ

Date of decision: 08/05/2002

ORAL JUDGEMENT

The petitioner has filed this petition under Article 226 of the Constitution of India seeking the pensionary benefits. The petitioner's husband was

serving in Jasdan Nagarpalika as a labourer (safai kamdar). Due to bad health, old age and weakness the petitioner's husband was not in a position to serve and hence he tendered his resignation on 29.10.1982. The said resignation was accepted by Jasdan Nagarpalika with effect from 1.11.1982. The petitioner's husband died on 29.12.1987. Since the petitioner being widow of the deceased, she was entitled to receive all benefits and allowances as were available to deceased Kukabhai. The main prayer in the petition was to the effect that this Court should direct the respondent-authorities to pay legally payable amount of pension and other benefits accrued till the date of the petition and a further direction to the respondents to continue to pay pension amount regularly to the petitioner.

2 The petitioner was constrained to file the present petition before this Court as the claim of the petitioner was denied by the respondent-authorities vide their letter of May 1991, wherein it was stated that the case of the petitioner's husband was not that of ill-health. The petitioner's demand for pension could not be accepted.

3 The petition has been admitted by this Court on 6th July 1992. At the time of hearing of this petition, it was pointed out by Mr B.Y. Mankad, learned Asst. Govt. Pleader, appearing for the government that the government has taken a decision whereby the District Panchayat has submitted the pension case papers of the petitioner on 21.3.2002 and the District Inspection Officer, Treasury Office, Rajkot, has taken a decision on 27.3.2002 to accept the claim of the petitioner with regard to grant of pension to the petitioner. It goes without saying that the respondent-authorities will act as per the decision taken by them by the aforesaid letter and will pay all the pensionary benefits to the petitioner. This letter is placed on record.

4 In view of the aforesaid statement, since the petitioner's grievance is redressed nothing survives in this petition and hence the petition is disposed of accordingly. Rule is made absolute to the aforesaid extent. There is no order as to costs.

(K.A. PUJ, J.)
(mohd)
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